

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TYLER MILLS, ) CASE NO. C04-2342-RSL-MAT  
)  
Plaintiff, )  
)  
v. ) ORDER TO SHOW CAUSE WHY  
) SUMMARY JUDGMENT SHOULD  
RON SIMS, et al., ) NOT BE GRANTED  
)  
Defendants. )  
\_\_\_\_\_ )

The Court, having considered the § 1983 complaint and the files and records herein, does hereby find and ORDER:

(1) Defendants filed a motion for summary judgment which was noted on the Court's calendar for consideration on December 9, 2005. Plaintiff failed to respond to the motion.

(2) Plaintiff shall show cause within **thirty (30) days** explaining why defendants' motion for summary judgment should not be granted and why this action should not be DISMISSED, with prejudice, pursuant to Federal Rule of Civil Procedure 56 and Local Rule CR 7(b)(2).

Plaintiff is advised, pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), and

01 Federal Rule of Civil Procedure 56, that he has a right to file counter-affidavits or other responsive  
02 evidentiary materials in opposition to defendants' motion for summary judgment and that his  
03 failure to file such materials may result in the entry of summary judgment against him. If the  
04 motion for summary judgment is granted, plaintiff is advised that his case will be over. Thus, if  
05 plaintiff fails to file opposing counter-affidavits or other evidence, defendants' evidence might be  
06 taken as truth, and final judgment may be entered against plaintiff **without a trial**.

07 (3) Defendants' motion for summary judgment (Dkt. No. 61) is RE-NOTED on the  
08 Court's calendar for consideration on ***January 27, 2006***.

09 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
10 defendants, and to the Honorable Robert S. Lasnik.

11 DATED this 22nd day of December, 2005.

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14 Mary Alice Theiler  
United States Magistrate Judge  
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